

**MINUTES OF THE COMMON COUNCIL  
WORK SESSION  
October 28, 2014  
Exhibit Hall – Rouss City Hall**

**PRESENT:** Councilor Evan Clark, John Hill, Corey Sullivan and John Tagnesi; Vice-President Milt McInturff; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (8)  
**ABSENT:** Councilor Jeff Buettner (1)

President Willingham stated he would entertain a motion to amend the October 28, 2014 Work Session Agenda to include the following:

**Discussion:** Winchester Towers and Events Center Update.

*The motion was made by Vice-President McInturff, seconded by Vice-Mayor Veach, then unanimously approved 8/0.*

**2.0 Public Comments:**

Jay Hanke of 307 Amherst Street spoke in regards to the improvements made to his house located at 500 North Braddock Street. He stated his house was built in 1910 but it is really a 1960's house due to the changes made by previous owners that have included materials not approved by the Board of Architectural Review. The windows he chose to install were to improve the safety, efficiency, and the overall appearance and unity of the windows. He stated he is not looking for a change in BAR regulations or a new precedent but he is looking for an exception if at all possible with this particular house.

Harry Gormas of 27 Cameron Street stated he is withdrawing his offer to purchase the Winchester Towers after his experience with the Taylor Hotel.

*President Willingham asked if there was anyone else wishing to address Council. Seeing none, he closed the public comments at 6:08 p.m.*

**3.0 Items for Discussion:**

**3.1 Presentation:** Update regarding an appeal of the decision by the Board of Architectural Review (BAR-14-543) regarding the replacement of deteriorating windows for the property located at 500 North Braddock Street

Planning Director Tim Youmans presented the background for the property located at 500 North Braddock Street. He stated evidence exists showing the house existed in the late 1800s. He presented pictures comparing the old and new windows. He also presented a sample of the postcard sent out to all of the Winchester Historic District owners in May of 2014 informing them of the

requirement for a Certificate of Appropriateness before making changes to the exterior of their homes. Mr. Youmans suggested Council consider a modified decision by the BAR. The modified decision could include guidance to the applicant on the replacement of the remaining 4 windows. Staff would encourage at least one, preferably two, of the remaining windows be retained for future property stewards to understand the original windows.

Councilor Sullivan moved to reverse the decision of the BAR. The motion was seconded by Councilor Clark.

City Attorney Anthony Williams suggested Council make known what it intends to do then he will prepare a resolution for adoption at the next regular meeting consistent with that specific direction. Typically, he would get the details of that in a closed session but it can be done in open session if that is what Council would like to do.

President Willingham stated he will vote against the motion as it has been made because of the standards set by Council. He likes the modified suggestion. He also suggested creating some wood frames around the windows.

The motion made by Councilor Sullivan was defeated 1/7 with Councilor Evan Clark, John Hill and John Tagnesi; Vice-President Milt McInturff; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham voting in the negative.

Vice-President McInturff moved to forward the BAR Appeal to Council without an option. *The motion was seconded by Councilor Hill then unanimously approved 8/o.*

**3.2 CU-14-558:** Conditional Use Permit – Request of VFW Post 2123, Inc. for a private club at 121 Bruce Drive (*Map Number 311-01-5*) zoned Highway Commercial (B-2) District

Mr. Youmans presented the request for a private club at 121 Bruce Drive and a summary of the area surrounding the property. He stated the applicant would like to have entertainment during the week and weekend evening hours on up to eight days per month. This is similar to previous requests approved by Council. Mr. Youmans stated one adjacent neighbor did inquire about the parking which is proposed as angled parking on the site plan.

Councilor Clark moved to forward CU-14-558 to Council. *The motion was seconded by Councilor Tagnesi then unanimously approved 8/o.*

**3.3 R-2014-45:** Resolution – Authorization to submit an Industrial Revitalization Fund Application to the Virginia Department of Housing and Community Development

*President Willingham moved this item to the end of the agenda.*

**3.4 R-2014-46:** Resolution – Approval for the issuance of up to \$55,000,000 of Revenue Bonds by the Economic Development Authority of the City of Winchester, Virginia for the benefit of Westminster-Canterbury of Winchester, Inc.

Economic Development Coordinator Tyler Schenck presented the request from Westminster Canterbury of Winchester for the issuance of up to \$55,000,000 of Revenue Bonds by the EDA to build a new health care center and a new recreation center on the property.

Vice-President McInturff moved to forward R-2014-46 to Council. *The motion was seconded by Vice-Mayor Veatch then unanimously approved 8/o.*

**3.5 O-2014-42:** AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 2-24 OF THE WINCHESTER CITY CODE TO REVISE THE MEETING SCHEDULE OF COMMON COUNCIL AND ALLOW FOR AN ADDITIONAL REGULAR MONTHLY MEETING OF COMMON COUNCIL

City Manager Eden Freeman presented the proposal to revise the meeting schedule of Common Council. She stated in an interest to maintain a regular schedule, there will be two regular meetings and two work sessions each month. The work sessions will begin at 6:00 and the regular meeting will follow.

Mayor Minor moved to forward O-2014-42 to Council. *The motion was seconded by Vice-Mayor Veatch then unanimously approved 8/o.*

**3.6 R-2014-47:** Resolution – Adoption of a Schedule of Work Session and Regular Meetings for Year 2015

Vice-President McInturff moved to forward R-2014-47 to Council. *The motion was seconded by Councilor Clark then unanimously approved 8/o.*

**3.7 O-2014-43:** AN ORDINANCE TO AMEND AND REENACT SECTION 10-6 AND ENACT SECTION 10-9 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO SIDE AND REAR YARD SETBACK REQUIREMENTS AND SPECIAL PROVISIONS FOR REDEVELOPMENT SITES IN THE COMMERCIAL INDUSTRIAL (CM-1) DISTRICT **TA-14-593** (*Amendment establishes zero side and rear yard setback conditions in limited situations for properties in the CM-1 district identified as redevelopment sites within the Comprehensive Plan's Character Map*)

Director of Zoning and Inspections Aaron Grisdale presented the privately sponsored text amendment to establish language to allow a zero line set back for redeveloping sites in the CM-1 District. This would be used in limited situations and is similar to a request considered by Council in 2009.

Vice-Mayor Veach moved to forward O-2014-43 to Council. *The motion was seconded by Mayor Minor then unanimously approved 8/o.*

**Discussion:** Winchester Towers and Events Center Update.

James Deskins of Freestone, LLC. presented an overview of the project and the anticipated use of the existing building for hotel rooms and an events center service space. He stated the events center new construction would be affixed to the Towers and occupy the adjacent parking lots. Additional hotel rooms could be constructed on top of the new events center if desired. If an alternate location for an events center is determined, the Towers may be able to support potential housing or commercial/office space. Mr. Deskins stated there will be at least two open houses held in November. The RFQ or RFP process will be used to solicit qualified development partners.

Councilor Clark stated there are two other events centers planned in the next five years and asked if there is a market for three centers. Mr. Deskins stated he does not think the market can support three. However, the Shenandoah University events center will be for SU and will be supported by SU. Based on conversations he has had with the Museum of the Shenandoah Valley, it will take a considerable amount of time to raise the money for their events center.

Vice-Mayor Veach stated the original study compared Lancaster, Pennsylvania with Winchester. Lancaster spent \$178 million to build their center. He asked what this will cost Winchester. Mr. Deskins stated it will be less than 1/10 of that. Lancaster went for a large scale conference center. Winchester's center will be on a much smaller scale.

Vice-Mayor Veach asked if there is a maximum dollar amount with tax payer dollars. Mr. Deskins stated there is a need to have that discussion which is forming now. There are more mechanisms that can be used so that taxes will not need to be raised.

**R-2014-45:** Resolution – Authorization to submit an Industrial Revitalization Fund Application to the Virginia Department of Housing and Community Development

Economic Development Coordinator Tyler Schenck stated staff is preparing an Industrial Revitalization Fund application that could help with the Towers project. The program requires a 1:1 match with the purchase price of the Towers serving as the City's portion. The application requires a Council approved resolution.

Councilor Clark moved to forward R-2014-45 to Council. *The motion was seconded by Councilor Hill then unanimously approved 7/1 with Vice-Mayor Veach voting in the negative.*

#### **4.0 Executive Session**

- 4.1** MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND STATUS UPDATE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION, AND PURSUANT TO §2.2-3711(A) (1) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF INFORMATION REGARDING THE SUBJECT OF THE EMPLOYMENT, ASSIGNMENT, APPOINTMENT, AND PERFORMANCE OF SPECIFIC PUBLIC OFFICERS APPOINTEES, AND EMPLOYEES OF THE CITY OF WINCHESTER INCLUDING THE APPOINTMENT OF OR PROSPECTIVE APPOINTMENT OF MEMBERS TO CERTAIN BOARDS AND COMMISSIONS, AND PURSUANT TO §2.2-3711(A)(3) AND (6) FOR THE PURPOSE OF DISCUSSION OR CONSIDERATION OF THE SUBJECT OF THE ACQUISITION OF AN INTEREST IN REAL PROPERTY FOR A PUBLIC PURPOSE WHERE IF MADE PUBLIC, THE BARGAINING POSITION OR FINANCIAL INTEREST OF THE CITY WOULD BE ADVERSELY AFFECTED.

Vice-President McInturff moved to convene into executive session at 7:31 p.m. *The motion was seconded by Mayor Minor then unanimously approved 8/o.*

Vice-Mayor Veach moved to reconvene in open session at 8:38 p.m. *The motion was seconded by Councilor Hill then unanimously approved 8/o.*

Upon returning, each member certified that only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were discussed during the closed meeting, and that only those public business matters identified in the motion which convened the closed meeting were heard, discussed, or considered during the closed meeting.

*A roll call vote was taken, the ayes and nays being recorded as shown below:*

| <u>MEMBER</u>            | <u>VOTE</u> |
|--------------------------|-------------|
| Councilor Buettner       | Absent      |
| Councilor Clark          | Aye         |
| Councilor Hill           | Aye         |
| Vice-President McInturff | Aye         |
| Mayor Minor              | Aye         |
| Councilor Sullivan       | Aye         |

John Tagnesi  
Vice-Mayor Veach  
President Willingham

Aye  
Aye  
Aye

President Willingham stated he would entertain a motion to add to the agenda a motion to forward to Council the appointment of David Cavalarro to the Old Town Development Board and Kelly Wolfe to the Planning Commission. *The motion was made by Vice-President McInturff, seconded by Mayor Minor, then unanimously approved 8/o.*

Vice-President McInturff moved to forward to Council the appointments of David Cavallaro to the OTDB and Kelly Wolfe to the Planning Commission. *The motion was seconded by Mayor Minor then unanimously approved 8/o.*

## **5.0 Monthly Reports**

**5.1** Police Department

**5.2** Fire& Rescue Department

**5.3** Finance Department – 1<sup>st</sup> Qtr. Report

## **6.0 Adjournment**

Vice-President McInturff moved to adjourn the meeting at 8:38 p.m. *The motion was seconded by Mayor Minor then unanimously approved 8/o.*